

Executive Summary – Enforcement Matter – Case No. 42171
Terry L. Babb, Sr. d/b/a Twin Oaks Mobile Home Park
RN101192995
Docket No. 2011-1313-PWS-E

Order Type:
Default Order

Findings Order Justification:
N/A

Media:
PWS

Small Business:
Yes

Location(s) Where Violation(s) Occurred:
approximately 200 yards west of State Highway 31 and Farm-to-Market Road 753, between Malakoff and Athens, Henderson County

Type of Operation:
public water system

Other Significant Matters:

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	\$5,098.00 (2003-1328-PWS-E) Returned as Uncollectable; \$8,102.20 (2009-0569-MLM-E)
Past-Due Fees:	\$1,292.56 (PHS Acct. No. 91070024)
Other:	None
Interested Third-Parties:	None

Texas Register Publication Date: November 18, 2011

Comments Received: None

Penalty Information

Total Penalty Assessed:	\$1,932
Amount Deferred for Expedited Settlement:	N/A
Amount Deferred for Financial Inability to Pay:	N/A
Total Paid to General Revenue:	\$0
Total Due to General Revenue:	\$1,932

Compliance History Classifications:

Person/CN – N/A
Site/RN – N/A

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: September 2002

Investigation Information

Complaint Date(s): N/A
Date(s) of Investigation: June 20 - 24, 2011; July 22, 2011
Date(s) of NOV(s): See Compliance History – Seven related NOVs
Date(s) of NOE(s): June 24, 2011

Violation Information

1. Failed to submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Executive Director each quarter, by the tenth day of the month following the end of the quarter [30 TEX. ADMIN. CODE § 290.110(e)(4)(A) and (f)(3)].
2. Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year, and failed to submit to the TCEQ, by July 1 of each year, a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data [30 TEX. ADMIN. CODE §§ 290.271(b) and 290.274(a) and (c)].
3. Failed to pay all Public Health Service ("PHS") fees and administrative penalties to the Commission in a timely manner [TEX. WATER CODE §§ 5.702 and 7.061(1); 30 TEX. ADMIN. CODE § 290.51(a)(6); TCEQ Default Order Docket No. 2003-1328-PWS-E, Ordering Provision Nos. 1.a and 1.d.i; and TCEQ Default Order Docket No. 2009-0569-MLM-E, Ordering Provision Nos. 1 and 2.b.vii.].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:
N/A

Technical Requirements:

1. Within 30 days:
 - a. Submit payment for all outstanding fees, penalties, and interest;
 - b. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submission of signed and certified DLQORs; and
 - c. Mail or directly deliver one copy of the 2010 CCR to each bill paying customer and submit to the TCEQ a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data.
2. Within 45 days, submit written certification to demonstrate compliance with Technical Requirement No. 1.
3. Within 90 days, begin submitting DLQORs to the Executive Director each quarter, by the tenth day of the month following the end of the quarter. This provision will be satisfied upon two consecutive quarters of compliant reporting.
4. Within 105 days, submit written certification to demonstrate compliance with Technical Requirement No. 3.

Executive Summary – Enforcement Matter – Case No. 42171
Terry L. Babb, Sr. d/b/a Twin Oaks Mobile Home Park
RN101192995
Docket No. 2011-1313-PWS-E

Litigation Information

Date Petition(s) Filed: September 15, 2011
Date(s) Green Card(s) Signed: Unclaimed
Date(s) Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A

Contact Information

TCEQ Attorneys: Peipey Tang, Litigation Division, (512) 239-3400
Lena Roberts, Litigation Division, (512) 239-3400
TCEQ Enforcement Coordinator: Rebecca Clausewitz, Water Enforcement Section, (210) 403-4012
TCEQ Regional Contact: Noel Luper, Tyler Regional Office, (903) 535-5174
Respondent: Terry Babb, Sr., Twin Oaks Mobile Home Park, 10000 State Highway 31 West, Trailer B8, Malakoff, Texas 75148
Respondent's Attorney: N/A

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Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	27-Jun-2011	Screening	22-Jul-2011	EPA Due	30-Jun-2011
	PCW	22-Jul-2011				

RESPONDENT/FACILITY INFORMATION	
Respondent	Terry L. Babb, Sr. dba Twin Oaks Mobile Home Park
Reg. Ent. Ref. No.	RN101192995
Facility/Site Region	5-Tyler
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	42171	No. of Violations	3
Docket No.	2011-1313-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Rebecca Clausewitz
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$1,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	60.0% Enhancement	Subtotals 2, 3, & 7	\$600
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Notes: Enhancement for seven NOVs with same/similar violations and one default order.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$338
 Approx. Cost of Compliance: \$442
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,600
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OTHER FACTORS AS JUSTICE MAY REQUIRE	20.8%	Adjustment	\$332
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: An enhancement is recommended to capture the avoided cost of compliance associated with Violation Nos. 1 and 2.

Final Penalty Amount	\$1,932
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,932
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$1,932
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Screening Date 22-Jul-2011

Docket No. 2011-1313-PWS-E

PCW

Respondent Terry L. Babb, Sr. dba Twin Oaks Mobile Home Pa

Policy Revision 2 (September 2002)

Case ID No. 42171

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101192995

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	7	35%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 60%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for seven NOVs with same/similar violations and one default order.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 60%

Screening Date 22-Jul-2011

Docket No. 2011-1313-PWS-E

PCW

Respondent Terry L. Babb, Sr. dba Twin Oaks Mobile Home Park

Policy Revision 2 (September 2002)

Case ID No. 42171

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101192995

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.110(e)(4)(A) and (f)(3)

Violation Description Failed to submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Executive Director each quarter, by the tenth day of the month following the end of the quarter. Specifically, the Respondent did not submit DLQORs to the TCEQ for the first quarter of 2009 through the fourth quarter of 2010.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		x			10%

Matrix Notes 100% of the rule requirements were not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 8 730 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$800

Eight quarterly events are recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$800

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$210

Violation Final Penalty Total \$1,546

This violation Final Assessed Penalty (adjusted for limits) \$1,546

Economic Benefit Worksheet

Respondent Terry L. Babb, Sr. dba Twin Oaks Mobile Home Park
Case ID No. 42171
Req. Ent. Reference No. RN101192995
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$45	20-Jun-2011	31-Mar-2012	0.78	\$2	n/a	\$2
Training/Sampling	\$100	20-Jun-2011	31-Mar-2012	0.78	\$4	n/a	\$4
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to update the Facility's operational guidance and conduct employee training to ensure that all DLQORs are submitted to the TCEQ in a timely manner, calculated from the record review date to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$180	10-Apr-2009	10-Jan-2011	2.67	\$24	\$180	\$204
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to prepare and submit DLQORs for the eight quarters in which they were not submitted (\$22.50 per report x 8 quarters), calculated from the date that the report for the first quarter of 2009 was due to the date that the report for the last quarter of 2010 was due.

Approx. Cost of Compliance

\$325

TOTAL

\$210

Screening Date 22-Jul-2011

Docket No. 2011-1313-PWS-E

PCW

Respondent Terry L. Babb, Sr. dba Twin Oaks Mobile Home Park

Policy Revision 2 (September 2002)

Case ID No. 42171

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101192995

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 290.271(b) and 290.274(a) and (c)

Violation Description

Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year and failed to submit to the TCEQ, by July 1 of each year, a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data. Specifically, the Respondent did not mail or directly deliver the CCRs to the Facility's customers nor did the Respondent submit the CCR or the required certification to the TCEQ for the years 2008 and 2009.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		x			10%

100% of the rule requirements were not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 2 730 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	x
single event	

mark only one with an x

Violation Base Penalty \$200

Two annual events are recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$200

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$128

Violation Final Penalty Total \$386

This violation Final Assessed Penalty (adjusted for limits) \$386

Economic Benefit Worksheet

Respondent Terry L. Babb, Sr. dba Twin Oaks Mobile Home Park
Case ID No. 42171
Req. Ent. Reference No. RN101192995
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$117	1-Jul-2009	1-Jul-2010	1.92	\$11	\$117	\$128
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to prepare and mail or directly deliver the CCRs to the customers of the Facility, calculated from the due date of the 2008 CCR to the due date of the 2009 CCR.

Approx. Cost of Compliance

\$117

TOTAL

\$128

Screening Date 22-Jul-2011

Docket No. 2011-1313-PWS-E

PCW

Respondent Terry L. Babb, Sr. dba Twin Oaks Mobile Home Park

Policy Revision 2 (September 2002)

Case ID No. 42171

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101192995

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.51(a)(6), Tex. Water Code §§ 5.702 and 7.061(1), TCEQ Default Order Docket No. 2003-1328-PWS-E, Ordering Provision Nos. 1.a and 1.d.i, and TCEQ Default Order Docket No. 2009-0569-MLM-E, Ordering Provision Nos. 1 and 2.b.vii

Violation Description Failed to pay all Public Health Service ("PHS") fees and administrative penalties to the Commission in a timely manner. Specifically, as of the date of the record review, administrative penalties and late fees for TCEQ Default Order Docket Nos. 2003-1328-PWS-E and 2009-0569-MLM-E and annual PHS fees and associated late fees for fiscal years 2004 through 2009 were delinquent.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Adjustment \$1,000

\$0

Violation Events

Number of Violation Events [] Number of violation days []

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$0

All penalties and interest will be assessed by the Financial Administration Division at the next billing cycle.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A		(mark with x)

Notes

Violation Subtotal \$0

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$0

This violation Final Assessed Penalty (adjusted for limits) \$0

Economic Benefit Worksheet

Respondent Terry L. Babb, Sr. dba Twin Oaks Mobile Home Park
Case ID No. 42171
Req. Ent. Reference No. RN101192995
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

N/A

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

N/A

Approx. Cost of Compliance

\$0

TOTAL

\$0

Compliance History

Customer/Respondent/Owner-Operator: CN601448566 BABB, TERRY L SR Classification: Rating:
Regulated Entity: RN101192995 TWIN OAKS MOBILE HOME PARK Classification: Site Rating:
ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1070024
Location: Between Malakoff & Athens, 200 yards W of SH 31 and FM 753, Henderson County, Texas
TCEQ Region: REGION 05 - TYLER
Date Compliance History Prepared: July 26, 2011
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: July 26, 2006 to July 26, 2011
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History:
Name: Rebecca Clausewitz Phone: (210) 403-4012

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s)? N/A
5. When did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site:

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 03/14/2010

ADMINORDER 2009-0569-MLM-E

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)

Description: Failure to have available sanitary control easements for the system's ground water well.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)

Description: Failure to seal the wellhead with the use of gaskets or a pliable crack-resistant caulking compound.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O)

Description: Failure to protect the well within an intruder-resistant fence with lockable gates or within a locked well house.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(I)

Description: Failure to have available a Plant Operations Manual.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(1)

30 TAC Chapter 290, SubChapter D 290.43(c)(2)

30 TAC Chapter 290, SubChapter D 290.43(c)(3)

Description: Failure to construct the ground storage tank in strict accordance with America Water Works Association (AWWA) standards. Specifically, the storage tank did not have an overflow pipe installed, there was no 30 inch access opening on the roof, and the roof vent was not a gooseneck or ventilator type.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(F)(ii)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failure to provide a minimum total storage capacity of 200 gallons per connection. Specifically, with 17 connections, the total storage provided should be no less than 3,400 total gallons. The facility currently maintains only one 550 gallon storage tank, which is an 84% deficiency in total storage.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(A)

Description: Failure to conduct an annual inspection of the Facility ground storage tanks.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)

30 TAC Chapter 290, SubChapter F 290.121(b)

Description: Failure to develop and maintain an up-to-date monitoring plan for the water system that identifies all bacteriological and chemical sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories to be used to comply with monitoring requirements.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(2)

Description: Failure to prepare and maintain a map of the distribution system so that valves and mains may be easily located during emergencies.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
Description: Failure to maintain the good working condition and general appearance of the system's facilities and equipment. Specifically, the concrete sealing block surrounding the well was found to have a large crack running through it.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(3)
Description: Failure to have available well completion data.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
Description: Failure to submit the Disinfectant Level Quarterly Operating Reports (DLQOR) to the Commission no later than the tenth day following the end of the reporting period.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(F)(iv)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: Failure to provide a minimum pressure tank capacity of 20 gallons per connection. Specifically, with 17 connections the Facility must provide a minimum total pressure tank capacity of 340 gallons. The Facility currently maintains two 120 gallon pressure tanks, which is a 29% deficiency.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(B)
Description: Failure to maintain a well casing that extends a minimum of 18 inches above the well's sealing block. Specifically, the current well casing extends only 12 inches from the sealing block.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(4)(A)
Description: Failure to monitor the disinfectant residual at representative locations in the distribution system at least once every seven days. Specifically, the Respondent's records indicate that the one well site was the only location where weekly disinfection residual monitoring performed on a routine basis.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(i)
Description: Failure to adopt an adequate plumbing ordinance, regulation, or service agreement for all customers.

Classification: Moderate
Citation: 30 TAC Chapter 288, SubChapter B 288.20(a)
30 TAC Chapter 288, SubChapter C 288.30(5)(B)
Description: Failure to adopt a drought contingency plan.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(1)
Description: Failure to calibrate a well meter.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.43(d)(3)
Description: Failure to equip air compressor injection line with a filter.

Classification: Major
Citation: 2A TWC Chapter 5, SubChapter A 5.702
30 TAC Chapter 290, SubChapter E 290.51(a)(6)
5A THSC Chapter 341, SubChapter A 341.049(i)(1)
Rqmt Prov: Default Order 2003-1328-PWS-E, OP 1.a. ORDER
Default Order 2003-1328-PWS-E, OP 1.d.ii ORDER
Description: Failure to pay all Public Health Service ("PHS") fees and administrative penalties to the Commission in a timely manner. Specifically, as of the date of the record review, administrative penalties and late fees for TCEQ Default Order Docket No. 2003-1328-PWS-E and annual PHS fees and associated late fees were outstanding for fiscal years 2004 through 2009.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(B)
Description: Failure to conduct an annual inspection of the Facility's pressure tank.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	10/09/2006	(481598)	7	06/16/2011	(934505)
2	03/25/2009	(738171)	8	10/01/2009	(934531)
3	04/27/2009	(743383)	9	07/21/2009	(934586)
4	05/11/2009	(744084)	10	12/22/2010	(934593)
5	05/15/2009	(745369)	11	11/03/2009	(934664)
6	06/16/2011	(934381)	12	06/24/2011	(934924)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

1. **Date:** 10/13/2006 (481598) CN601448566

- Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)
Description: Failure to have available sanitary control easements for the system's ground water well.
- Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)
Description: Failure to seal the wellhead with the use of gaskets or a pliable crack-resistant caulking compound.
- Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O)
Description: Failure to protect the well within an intruder-resistant fence with lockable gates or within a locked well house.
- Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)
Description: Failure to have available a Plant Operations Manual.
- Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(1)
30 TAC Chapter 290, SubChapter D 290.43(c)(2)
30 TAC Chapter 290, SubChapter D 290.43(c)(3)
Description: Failure to construct the ground storage tank in strict accordance with America Water Works Association (AWWA) standards. Specifically, the storage tank did not have an overflow pipe installed, there was no 30 inch access opening on the roof, and the roof vent was not a gooseneck or ventilator type.
- Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(6)
Description: Failure to maintain all water storage facilities and related appurtenances in a watertight condition.
- Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(F)(ii)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: Failure to provide a minimum total storage capacity of 200 gallons per connection. Specifically, with 17 connections, the total storage provided should be no less than 3,400 total gallons. The facility currently maintains only one 550 gallon storage tank, which is an 84% deficiency in total storage.
- Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)
Description: Failure to maintain Monthly Reports of water works operation and maintenance activities.
- Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(A)
Description: Failure to conduct an annual inspection of the Facility ground storage tanks.
- Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)
30 TAC Chapter 290, SubChapter F 290.121(b)
Description: Failure to develop and maintain an up-to-date monitoring plan for the water system that identifies all bacteriological and chemical sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories to be used to comply with monitoring requirements.
- Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(2)
Description: Failure to prepare and maintain a map of the distribution system so that valves and mains may be easily located during emergencies.
- Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(t)
Description: Failure to post a legible sign at each of its production, treatment, and storage facilities by each community system.
- Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
Description: Failure to maintain the good working condition and general appearance of the system's facilities and equipment. Specifically, the concrete sealing block surrounding the well was found to have a large crack running through it.
- Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(v)
Description: Failure to install all water system electrical wiring in a securely mounted conduit in compliance with a local or national electrical code.

- Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(3)
Description: Failure to have available well completion data.
- Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
Description: Failure to submit the Disinfectant Level Quarterly Operating Reports (DLQOR) to the Commission no later than the tenth day following the end of the reporting period.
- Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)
Description: Failure by the regulated entity, which serves no more than 250 connections and only uses groundwater or purchased treated water, to employ a water works operator holding a valid Class "D" or higher operator's license.
- Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(F)(iv)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: Failure to provide a minimum pressure tank capacity of 20 gallons per connection. Specifically, with 17 connections the Facility must provide a minimum total pressure tank capacity of 340 gallons. The Facility currently maintains two 120 gallon pressure tanks, which is a 29% deficiency.
- 2. Date: 07/21/2009 (934586)CN601448566**
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the first quarter of 2009 but a notice of violation was not sent.
- 3. Date: 10/01/2009 (934531)CN601448566**
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the second quarter of 2009 but a notice of violation was not sent.
- 4. Date: 11/03/2009 (934664)CN601448566**
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)
30 TAC Chapter 290, SubChapter H 290.274(a)
Description: This system did not deliver the annual Consumer Confidence Report (CCR) for 2008 to its bill-paying customers but the violation was not sent.
- Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter H 290.274(c)
Description: This system failed to deliver a copy and certification of delivery of the annual Consumer Confidence Report (CCR) for the 2008 CCR year to the TCEQ.
- 5. Date: 12/22/2010 (934593)CN601448566**
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)
30 TAC Chapter 290, SubChapter H 290.274(a)
Description: This system did not deliver the annual Consumer Confidence Report (CCR) for 2009 to its bill-paying customers but the violation was not sent.
- Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter H 290.274(c)
Description: This system failed to deliver a copy and certification of delivery of the annual Consumer Confidence Report (CCR) for the 2009 CCR year to the TCEQ.
- 6. Date: 06/16/2011 (934381)CN601448566**
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the fourth quarter of 2010 but the violation was not sent.
- 7. Date: 06/16/2011 (934505)CN601448566**
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: This system failed to monitor and/or failed to report distribution disinfectant residuals to the TCEQ for the third quarter of 2010.

- F. Environmental audits.
N/A
 - G. Type of environmental management systems (EMSs).
N/A
 - H. Voluntary on-site compliance assessment dates.
N/A
 - I. Participation in a voluntary pollution reduction program.
N/A
 - J. Early compliance.
N/A
- Sites Outside of Texas
N/A

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
TERRY L. BABB, SR. D/B/A
TWIN OAKS MOBILE HOME
PARK;
RN101192995**

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**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

DEFAULT ORDER

DOCKET NO. 2011-1313-PWS-E

At its _____ agenda meeting, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition filed pursuant to TEX. WATER CODE chs. 5 and 7, TEX. HEALTH & SAFETY CODE ch. 341, and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is Terry L. Babb, Sr. d/b/a Twin Oaks Mobile Home Park ("Respondent").

The Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Respondent owns and operates a public water system located approximately 200 yards west of State Highway 31 and Farm-to-Market Road 753, between Malakoff and Athens, in Henderson County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 17 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(66).
2. During a record review conducted on June 20, 2011 through June 24, 2011, a TCEQ Central Office investigator documented that Respondent:
 - a. Failed to submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Executive Director each quarter, by the tenth day of the month following the end of the quarter. Specifically, Respondent did not submit DLQORs to the TCEQ for the first quarter of 2009 through the fourth quarter of 2010; and
 - b. Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year, and failed to submit to the TCEQ, by July 1 of each year, a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data. Specifically, Respondent did not mail or directly deliver the CCRs to the Facility's customers nor did Respondent submit the CCR or the required certification to the TCEQ for the years 2008 and 2009.

3. During a record review conducted on July 22, 2011, a TCEQ Enforcement Coordinator documented that Respondent failed to pay all Public Health Service ("PHS") fees and administrative penalties to the Commission in a timely manner. Specifically, administrative penalties and late fees for TCEQ Default Order Docket Nos. 2003-1328-PWS-E and 2009-0569-MLM-E, and annual PHS fees and associated late fees for fiscal years 2004 through 2009, were delinquent.
4. Respondent received notice of the violations alleged in Finding of Fact No. 2 on or about June 29, 2011.
5. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Terry L. Babb, Sr. d/b/a Twin Oaks Mobile Home Park" (the "EDPRP") in the TCEQ Chief Clerk's office on September 15, 2011.
6. By letter dated September 15, 2011, sent to Respondent's last known address via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Respondent with notice of the EDPRP. The United States Postal Service returned the EDPRP sent by certified mail as "unclaimed." The first class mail has not been returned, indicating that Respondent received notice of the EDPRP.
7. More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant TEX. WATER CODE ch. 5, TEX. HEALTH & SAFETY CODE ch. 341, and the rules of the Commission.
2. As evidenced by Finding of Fact No. 2.a., Respondent failed to submit a DLQOR to the Executive Director each quarter, by the tenth day of the month following the end of the quarter, in violation of 30 TEX. ADMIN. CODE § 290.110(e)(4)(A) and (f)(3).
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to mail or directly deliver one copy of the CCR to each bill paying customer by July 1 of each year, and failed to submit to the TCEQ, by July 1 of each year, a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data, in violation of 30 TEX. ADMIN. CODE §§ 290.271(b) and 290.274(a) and (c).
4. As evidenced by Finding of Fact No. 3, Respondent failed to pay all PHS fees and administrative penalties to the Commission in a timely manner, in violation of TEX. WATER CODE §§ 5.702 and 7.061(1); 30 TEX. ADMIN. CODE § 290.51(a)(6); TCEQ Default Order Docket No. 2003-1328-PWS-E, Ordering Provisions Nos. 1.a. and 1.d.i.; and TCEQ Default Order Docket No. 2009-0569-MLM-E, Ordering Provisions Nos. 1 and 2.b.vii.

5. As evidenced by Findings of Fact Nos. 5 and 6, the Executive Director timely served Respondent with proper notice of the EDPRP, as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.104(c)(2).
6. As evidenced by Finding of Fact No. 7, Respondent failed to file a timely answer as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director.
7. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Respondent for violations of state statutes within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
8. An administrative penalty in the amount of one thousand nine hundred thirty-two dollars (\$1,932.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049.
9. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Respondent is assessed an administrative penalty in the amount of one thousand nine hundred thirty-two dollars (\$1,932.00) for violations of state statutes and rules of the TCEQ. The payment of this administrative penalty and Respondent's compliance with all the terms and conditions set forth in this Order completely resolve the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here.
2. The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order. All checks submitted to pay the penalty imposed by this Order shall be made out to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Terry L. Babb, Sr. d/b/a Twin Oaks Mobile Home Park; Docket No. 2011-1313-PWS-E" to:

Financial Administration Division, Revenues Section
Texas Commission on Environmental Quality
Attention: Cashier's Office, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

3. Respondent shall undertake the following technical requirements:

a. Within 30 days after the effective date of this Order, Respondent shall:

- i. Submit payment for all outstanding fees, penalties, and interest for TCEQ Financial Administration Account Nos. 23601362, 23605168, and 91070024 (Conclusion of Law No. 4). The payment shall be submitted to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

- ii. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submission of signed and certified DLQORs, as required by 30 TEX. ADMIN. CODE § 290.110 (Conclusion of Law No. 2); and

- iii. Mail or directly deliver one copy of the 2010 CCR to each bill paying customer and submit to the TCEQ a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data, as required by 30 TEX. ADMIN. CODE §§ 290.271 and 290.274 (Conclusion of Law No. 3). The copy of the CCR and the certification shall be mailed to:

CCR Coordinator
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- b. Within 45 days after the effective date of this Order, Respondent shall submit written certification and detailed supporting documentation, in accordance with Ordering Provision No. 3.e., below, to demonstrate compliance with Ordering Provision Nos. 3.a.i. and 3.a.ii.

- c. Within 90 days after the effective date of this Order, Respondent shall begin submitting DLQORs to the Executive Director each quarter, by the tenth day of the month following the end of the quarter, in accordance with 30 TEX. ADMIN. CODE § 290.110. This provision will be satisfied upon two consecutive quarters of compliant reporting. DLQORs shall be submitted to:

DLQOR Coordinator
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- d. Within 105 days after the effective date of this Order, Respondent shall submit written certification and detailed supporting documentation, in accordance with Ordering Provision No. 3.e., below, to demonstrate compliance with Ordering Provision No. 3.c.
- e. The certifications required by these Ordering Provisions shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be notarized by a State of Texas Notary Public, and shall include the following certification language:

I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Noel Luper, Water Section Manager
Tyler Regional Office
Texas Commission on Environmental Quality
2916 Teague Drive
Tyler, Texas 75701-3734

4. All relief not expressly granted in this Order is denied.
5. The provisions of this Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Respondent if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

S I G N A T U R E P A G E

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

AFFIDAVIT OF PEIPEY TANG

STATE OF TEXAS

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COUNTY OF TRAVIS

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"My name is Peipey Tang. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Terry L. Babb, Sr. d/b/a Twin Oaks Mobile Home Park" (the "EDPRP") was filed in the TCEQ Chief Clerk's office on September 15, 2011.

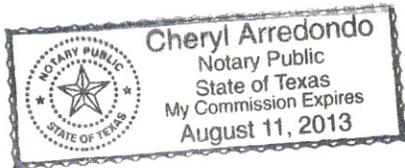
The EDPRP was mailed to Respondent's last known address on September 15, 2011, via certified mail, return receipt requested, and via first class mail, postage prepaid. The United States Postal Service returned the EDPRP sent by certified mail as "unclaimed." The first class mail has not been returned, indicating that Respondent received notice of the EDPRP, in accordance with 30 TEX. ADMIN. CODE § 70.104(c)(2).

More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing."

Peipey Tang
Peipey Tang, Staff Attorney
Office of Legal Services, Litigation Division
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Peipey Tang, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 8th day of December, A.D. 2011.



Cheryl Arredondo
Notary Signature